

and each individual defendant was placed on probation for 3 years, conditioned that each would not violate Federal or State food and drug laws or the State Medical Practices Act.

**17800. Adulteration and misbranding of chocolate pudding powder. U. S. v. 86 Cases, etc. (F. D. C. No. 30945. Sample No. 28173-L.)**

**LABEL FILED:** May 10, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 1, 1949, from Glenbrook, Conn.

**PRODUCT:** 242 cases, each containing 24 packages, and approximately 90 loose packages of chocolate pudding powder at San Francisco, Calif.

**LABEL, IN PART:** (Package) "Fortified With Iron and Vitamin B<sub>1</sub> Chocolate Flavor Net Wt. 4 Ozs. \* \* \* 134 Int. Units Vitamin B<sub>1</sub> Per Oz. \* \* \* supplies \* \* \* over  $\frac{1}{3}$  the minimum daily requirements of Vitamin B<sub>1</sub>, over  $\frac{1}{5}$  the minimum daily requirements of Calcium \* \* \* based on 4 generous portions per package."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, vitamin B<sub>1</sub> and calcium, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements "134 Int. Units Vitamin B<sub>1</sub> Per Oz. \* \* \* over  $\frac{1}{3}$  the minimum daily requirements of Vitamin B<sub>1</sub>, over  $\frac{1}{5}$  the minimum daily requirements of Calcium \* \* \*" were false and misleading as applied to a product containing less than the stated amounts of vitamin B<sub>1</sub> and calcium; and the label statements "fortified with iron for red blood and Vitamin B<sub>1</sub> to stimulate appetite, aid digestion and tone up nerves \* \* \* supplies natural Calcium and Phosphorus for sound bones and teeth \* \* \*" were false and misleading since the product was not effective for the purposes stated and implied.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 8, 1951. Default decree of condemnation and destruction.

**INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17751 TO 17800**

**PRODUCTS**

	N. J. No.		N. J. No.
Apple, apple-rasperry, and		Chocolate fragments-----	17784
apple-strawberry jelly-----	17779	pudding powder-----	17800
-grape jelly-----	17779, 17780	Clove sweepings-----	17784
Apricots, dried-----	17775	Cocoa beans-----	17784
Bakery product-----	17751	Cottonseed meal and cottonseed	
Bread-----	17751	pellets-----	17771
Brewers rice-----	17754	Crab meat-----	17773
Butter-----	17757-17763	Cumin seed-----	17784
C. M. A. Formula #21 tablets-- <sup>1</sup>	17799	Dairy products-----	17757-17767
Cereals and cereal products---	17751-	Eggs, frozen-----	17768, 17769
	17756	Elemin tablets-----	17798
Cheese, grated-----	17764-17766	Fava beans and chick-peas, dried,	
Chick-peas, dried-----	17784	mixed-----	17783
and fava beans, mixed---	17783	Feeds and grains-----	17770, 17771

<sup>1</sup> (17799) Prosecution contested.

**FEDERAL SECURITY AGENCY****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17801-17850

**FOODS**

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., May 12, 1952.

**CONTENTS**

	Page		Page
Beverages and beverage materials.....	396	Fruits and vegetables—Continued	
Candy.....	397	Frozen fruit.....	409
Cereals and cereal products.....	402	Vegetables.....	410
Flour.....	402	Tomatoes and tomato products.....	410
Macaroni and noodle products.....	403	Nuts and nut products.....	412
Miscellaneous cereals.....	404	Poultry.....	413
Dairy products.....	405	Spices, flavors, and seasoning materials.....	415
Butter.....	405	Vitamin, mineral, and other products of special dietary significance.....	417
Cheese.....	406	Index.....	418
Fish and shellfish.....	406		
Fruits and vegetables.....	409		
Canned fruit.....	409		
Dried fruit.....	409		